

1 MICHAEL A. JACOBS (CA SBN 111664)
MJacobs@mofo.com
2 ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzalez@mofo.com
3 ERIC A. TATE (CA SBN 178719)
ETate@mofo.com
4 RUDY Y. KIM (CA SBN 199426)
RKim@mofo.com
5 MORRISON & FOERSTER LLP
425 Market Street
6 San Francisco, California 94105-2482
Telephone: 415.268.7000
7 Facsimile: 415.268.7522

8 KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsflp.com
9 HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsflp.com
10 BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
11 Washington DC 20005
Telephone: 202.237.2727
12 Facsimile: 202.237.6131

13 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS RESPONSE TO
THE COURT'S ORDER OF
CONFERENCE TO FRAME *IN*
LIMINE MOTIONS (DKT. 754)**

Trial Date: October 10, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Plaintiff's Administrative Motion to File Under Seal Portions of Its Response to the
6 Court's Order of Conference to Frame *In Limine* Motions (Dkt. 754).

7 2. I have reviewed the following document and confirmed that only the portions
8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Response to the Court's Order of Conference to Frame <i>In Limine</i> Motions ("Response") (Dkt. 754)	Marked portions (in red boxes)

9
10
11
12
13 3. The marked portions (in red boxes) of Waymo's Response quote an internal Uber
14 email discussing Uber's highly confidential LiDAR development and business strategy. This
15 highly confidential information is not publicly known, and their confidentiality is strictly
16 maintained. I understand that this information could be used by competitors to Uber's detriment
17 to gain an advantage over Uber in LiDAR development and business strategy. For example,
18 disclosure of this information, which identifies which LiDAR-related technologies are technical
19 and strategic priorities for Uber, contains Uber's internal development timeline estimate, and
20 discusses an assessment of the competitive market for talent, would allow competitors to
21 understand Uber's LiDAR development and business strategy, and allow them to tailor their own
22 LiDAR development. If such information were made public, I understand Uber's competitive
23 standing could be significantly harmed.

24 4. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's
25 Response that merit sealing.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed this 3rd day of July, 2017, in Washington, D.C.

3
4 /s/ Michelle Yang

Michelle Yang

5
6
7 **ATTESTATION OF E-FILED SIGNATURE**

8 I, Arturo J. González, am the ECF User whose ID and password are being used to file this
9 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
10 concurred in this filing.

11 Dated: July 3, 2017

/s/ Arturo J. González

Arturo J. González